

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephen Abrams-Downey	Team: Squad #1	CCRB Case #: 201401138	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/30/2014 4:22 PM	Location of Incident: Northeast Corner of Sobel Court and Bowen Street	Precinct: 120	18 Mo. SOL 7/30/2015	EO SOL 7/30/2015	
Date/Time CV Reported Thu, 01/30/2014 3:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/05/2014 1:33 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Guerrieri	01640	948039	120 PCT
2. POM Brian Schulman	08380	939435	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM James Trapasso	22068	947443	120 PCT
2. POM Christophe Duggan	14987	943195	120 PCT
3. POM Raymond Rodriguez	28037	946181	120 PCT
4. SGT Jason Deonarinesingh	02037	936469	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Schulman	Abuse: PO Brian Schulman stopped § 87(2)(b)	
B.POM Richard Guerrieri	Abuse: PO Richard Guerrieri stopped § 87(2)(b)	
C.POM Brian Schulman	Abuse: PO Brian Schulman searched § 87(2)(b)	
D.POM Richard Guerrieri	Abuse: PO Richard Guerrieri searched § 87(2)(b)	
E.POM Brian Schulman	Abuse: PO Brian Schulman refused to provide his name and shield number to § 87(2)(b)	
F.POM Richard Guerrieri	Abuse: PO Richard Guerrieri refused to provide his name and shield number to § 87(2)(b)	

### Case Summary

On January 30, 2014, at approximately 4:00 p.m., PO Brian Schulman and PO Richard Guerrieri of the 120<sup>th</sup> Precinct stopped § 87(2)(b) and § 87(2)(b) at the intersection of Sobel Court and Bowen Street, in Staten Island (**Allegations A and B**). Sgt. Jason Deonarinesingh and PO Christopher Duggan of the 120<sup>th</sup> Precinct arrived soon thereafter. PO Schulman and PO Guerrieri placed § 87(2)(b) against a fence and placed their hands inside the pockets on his pants, hoodie, and vest (**Allegations C and D**). They removed his wallet, keys, and phone from these pockets. PO Duggan searched both § 87(2)(b) and § 87(2)(b). PO Duggan and Sgt. Deonarinesingh handcuffed § 87(2)(b) and § 87(2)(b) placed them inside an unmarked police car, and drove away. When PO Guerrieri and PO Schulman returned § 87(2)(b)'s property, he asked for their names and shield numbers. They both said “no” and did not provide their identifying information (**Allegations E and F**). The officers then got in their vehicle and drove away. § 87(2)(b) was not arrested or issued a summons as a result of this incident (complaint Encl. 5A-B and CCRB statement Encl. 6B-D).

### Mediation, Civil, and Criminal Histories

This case was not eligible for mediation because § 87(2)(b) and § 87(2)(b) were arrested. § 87(2)(b) did not file a notice of claim with the City of New York as a result of this incident (Encl. 16E). § 87(2)(b) has no prior criminal convictions (Encl. 14A).

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 2A).
- PO Schulman has been a member of the NYPD for 9 years and has had 14 previous CCRB allegations involving 8 cases. A discourtesy allegation was substantiated in case 201305459 and PO Schulman was given instructions. § 87(2)(g)
- PO Guerrieri has been a member of the NYPD for 5 years and has had 7 previous CCRB allegations involving 4 cases. A force allegation was substantiated in case 201110525 and PO Guerrieri was given command discipline. § 87(2)(g)

### Findings and Recommendations

#### Allegations Not Pleaded

- **Stop and search:** Neither § 87(2)(b) nor § 87(2)(b) provided a sworn statement to the CCRB regarding this incident and the specific circumstances of their stop are unclear. Furthermore, § 87(2)(b) and § 87(2)(b) were both arrested and charged with possession of marijuana during this incident (Encl. 12C-H).

#### Explanation of Subject Officer Identification

In his intake call, § 87(2)(b) stated that the subject officers were driving an unmarked Chevy Impala. He described these officers as white males in their late 20s or early 30s, between 5’9” and 6’0” tall. PO Schulman, § 87(2)(b) old at the time of the incident, is a 5’6” white male. PO Guerrieri, § 87(2)(b) old at the time of the incident, is a 5’8” white male. PO Guerrieri and PO Schulman were both assigned to an unmarked black Chevy Impala at the time of the incident. Therefore, **Allegations A, C, and E** have been pleaded against PO Schulman and **Allegations B, D, and F** have been pleaded against PO Guerrieri.

**Recommendations**

**Allegation A – PO Brian Schulman stopped § 87(2)(b)**

**Allegation B – PO Richard Guerrieri stopped § 87(2)(b)**

**Allegation C – PO Brian Schulman searched § 87(2)(b)**

**Allegation D – PO Richard Guerrieri searched § 87(2)(b)**

**Allegation E – PO Brian Schulman refused to provide his name and shield number to**

**§ 87(2)(b)**

**Allegation F – PO Richard Guerrieri refused to provide his name and shield number to**

**§ 87(2)(b)**

§ 87(2)(b) alleged that PO Schulman and PO Guerrieri approached him as he was walking in front of 225 Park Avenue. § 87(2)(b) stated that the officers then grabbed his right hand and placed him against a chain link fence. § 87(2)(b) alleged that the officers then placed their hands inside several of his pockets and removed his wallet, keys, and cellphone. § 87(2)(b) also stated that he asked PO Schulman and PO Guerrieri for their names and shield numbers. He alleged that both officers said “no” in response and entered their vehicle without providing their identifying information.

Neither PO Schulman nor PO Guerrieri had any independent recollection of this incident and they did not recall whether they had any interactions with § 87(2)(b) (PO Schulman statement Encl. 7D; PO Guerrieri statement Encl. 8E). They did not recognize him when shown his photograph. In their memo books, PO Schulman and PO Guerrieri both noted that they were present when § 87(2)(b) and § 87(2)(b) were arrested. However, they did not make any reference to § 87(2)(b) PO Duggan and Sgt. Deonarinesingh similarly did not recall this incident (PO Duggan statement Encl. 9E; Sgt. Deonarinesingh statement Encl. 10D). They did not recall any officers stopping, searching, or refusing to provide their name and shield numbers to § 87(2)(b).

§ 87(2)(b), § 87(2)(g)  
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\_\_\_\_\_.

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date